

Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

WILLIAM JOSEPH HUGHES

B. Current home and office addresses, including email addresses and telephone numbers.

OFFICE: **William J. Hughes**
 Hamilton Superior Court 3
 One Hamilton County Square, Suite 311
 Noblesville, IN 46060
 Phone: (317) 776-9710
 Email:

HOME: **William J. Hughes**

C. Date and place of birth.

July 22, 1955
Greensburg, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

See release form attached to original application.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

See attached photograph.

III. A. State in what county you currently reside and since what date.

I am a resident of Hamilton County. My wife and I moved to Hamilton County, Indiana on or about May 15, 1980, and we have been continuous residents in Hamilton County since that date.

B. List all previous counties of residence, with dates.

Ripley County, Indiana: July 22, 1955 through June 18, 1977.

Vanderburgh County, Indiana: I attended the University of Evansville from August 1973 through May 1977 and lived on campus in Evansville, Indiana during the academic school years of 74-75, 75-76 and 76-77. My first year at the University was spent at Harlaxton College in Grantham, Lincolnshire, England. Throughout my college career, my legal residence remained in Ripley County, Indiana.

Marion County, Indiana: June 19, 1977 through May 15, 1980.

C. When were you admitted to the Indiana Bar?

May 30, 1980.

D. Are you currently on active status?

Yes.

E. What is your attorney number?

7985-29

IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach

copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
University of Evansville	08/1973-05/1977	Bachelor of Science <i>Magna cum laude</i>

Transcript is attached at Tab 2.

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University School of Law – Indianapolis	08/1977-05/1980	Juris Doctor <i>Magna cum laude</i> Class Rank: 17/229

Transcript is attached at Tab 3.

C. Describe any academic honors, awards, and scholarships you received and when.

Allen F. White Outstanding Graduate – Indiana University School of Law at Indianapolis - 1980

Phi Kappa Tau – Delta Beta Chapter – 1977 Outstanding Graduating Senior

University of Evansville Alumni Award – 1977

University of Evansville President's Scholarship - 1973 through 1977

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

**May 1977 to August 1977
Masco Corporation, Delta Faucet Plant
Greensburg, Indiana
Factory laborer**

December 1977 to August 1977
Ricos Wade and Price
Indianapolis, Indiana
Messenger and Law Clerk

August 1978 to May 1980
Lowe Gray Steele and Hoffman
Indianapolis, Indiana
Law Clerk

June 1, 1980 to June 30, 1988
Campbell Kyle Proffitt
Noblesville and Carmel, Indiana
Associate Attorney – June 1, 1980 to June 30, 1985
Partner – July 1, 1985 to June 30, 1988

July 1, 1988 to Present
Hamilton Superior Court 3
Noblesville, Indiana
Judge
Appointed from July 1, 1988 through December 31, 1990
Elected to six-year term January 1, 1991 through December 31, 1996
Elected to six-year term January 1, 1997 through December 31, 2002
Elected to six-year term January 1, 2003 through December 31, 2008
Elected to six-year term January 1, 2009

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

I was engaged in the private practice of law from June 1, 1980 through June 30, 1988. My entire private practice was with the firm of Campbell Kyle Proffitt, which maintained offices in Noblesville and Carmel, Indiana. I was an associate of the firm from June 1, 1980 through June 30, 1985. During this period my employers, the firm partners, were Frank W. Campbell, John M. Kyle, John D. Proffitt, Robert F. Campbell, Douglas B. Floyd, Jeffrey S. Nickloy, Wilmer E. Goering, Judith S. Proffitt, and Nels J. Ackerson. At some point prior to my becoming a partner, Wilmer E. Goering, Judith S. Proffitt and Nels J. Ackerson left the firm to pursue other opportunities; however, I am unsure of these dates. During portions of this five-year period, five other associates were employed by the firm. These individuals were John M. Kyle III, Michael R. Hartman, Deborah L. Farmer, J. Bradley Cook and Christine C. Altman.

On July 1, 1985, I became a partner at Campbell Kyle Proffitt. I held that position until I resigned from the firm on June 30, 1988 to become Judge of Hamilton Superior Court 3. My initial partners were Frank W. Campbell, John M. Kyle, John D. Proffitt, Robert F. Campbell, Douglas B. Floyd, and Jeffrey S. Nickloy. During the three-year period in which I was a partner of the firm, Deborah L. Farmer and J. Bradley Cook were added as partners. Associates employed by the firm for a portion or all of period during which I was a partner were William E. Wendling, Christine C. Altman, Michael R. Hartman, Anne H. Poindexter, and Larry Grimes.

In the early years of private practice, I handled a wide variety of legal matters in the practice areas of probate, criminal litigation, civil litigation, juvenile delinquency, domestic relations, Social Security disability, and municipal board representation. After becoming a partner in the firm, my practice focused primarily on civil litigation matters, with an emphasis on plaintiff personal injury litigation, commercial litigation, probate litigation and family law matters.

C. Describe the extent of your jury experience, if any.

During my eight years of private practice, I participated as secondary counsel in approximately ten civil jury trials and was lead counsel in one lengthy civil business litigation jury trial. The nature of my practice was such that most matters were resolved without trial. As a result, I had more experience in preparing for, than in actually conducting, jury trials.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

On July 1, 1988, I took office as Judge of Hamilton Superior Court 3. The Court was created by legislative action during the 1988 General Assembly, and I was appointed as the first judge for Hamilton Superior Court 3 by Governor Robert Orr. The statute creating Hamilton Superior Court 3 designates it as a court of general jurisdiction. While any matter coming before the trial courts of the State of Indiana may be commenced and heard in Hamilton Superior Court 3, custom, practice, and local court rule meant that, in the beginning of my tenure on the bench, criminal, civil plenary, probate, and juvenile matters were heard in this court. Until December 31, 1994, approximately one-half of all juvenile delinquency and juvenile status offenses were heard in Hamilton Superior Court 3. After January 1, 1995, new juvenile delinquency and juvenile status offense matters were filed in Hamilton Superior Court 1 pursuant to local standing order in order to equalize case loads. As a result of that local standing order, which is now a local court rule, juvenile delinquency and status offenses are no longer regularly heard in Hamilton Superior Court 3.

Currently, by local court rule, Hamilton Superior Court 3 is designated to receive 25% of all class A, class B and class C felony cases and murder cases filed in Hamilton County Circuit and Superior Courts and 100% of all Class D felony and misdemeanor battery and domestic battery cases. Pursuant to Hamilton County local rule, Hamilton Superior Court 3 is also one of two designated Courts in Hamilton County where probate matters and mental health commitment matters are filed. In addition, by local custom, the party commencing a civil filing in Hamilton County Circuit and Superior Courts currently selects the Court in which the matter will be filed. Because of this custom, a broad distribution of cases, from all civil filing case types, are filed in Hamilton Superior Court 3. Historically, these filing have included a heavy concentration of CT (civil tort), DR (domestic relations), and CP (civil plenary) case types.

With such a wide distribution of case types in a court of general jurisdiction, the complexity of the matters before Hamilton Superior Court 3 occupy a broad spectrum – civil matters range from collection cases where less than \$1,000 is at issue to lawsuits in which millions are requested; criminal matters range from Class C misdemeanors through and including murder, with one capital murder case having been adjudicated; domestic relations cases range from pro se matters without children or assets to complex custody matters and large marital estates, with one estate estimated at approximately one billion dollars; and probate matters range from guardianships of the person for school purposes through estate and guardianship cases in which the estates involve millions of dollars, with one pending probate litigation matter involving an estate in which more than one billion dollars is at issue.

Jury trials are a regular fact of life in Hamilton Superior Court 3. In any given year, there are at least forty-six days upon which one or more jury trials are scheduled to begin. A review of the annual statistics for the Court will indicate that far less than that number of jury trials actually occur. Due to the expense of jury trials, to jurors, to the court and to litigants, special efforts are made to encourage resolution short of jury trials. In the 21.75 years I served on the bench from July 1, 1988 through March 31, 2010 (the date closest to this application submission for which I have statistics), I have presided over more than 220 jury trials in Hamilton Superior Court 3. In addition, I have also presided over a few jury trials in other courts as Special Judge; although I do not have statistics to accurately count the number of this category of jury trials, I estimate that I have presided over approximately 10 such jury trials in the past 22 years. The jury trials over which I presided in Hamilton Superior Court 3 were divided between civil and criminal case types, with approximately 70% criminal and 30% civil.

- VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

George W. Clark vs. CSX Transportation, Inc.
29D03-9308-CP-404

**“Revised Order on Parties Motions for Partial Summary Judgment
Concerning the Interpretation of Disputed Instruments of Conveyance
Comprising the Monon Corridor Subclass”**
Entered: November 26, 1997

State of Indiana vs. Daniel J. Lord
29D03-0412-FC-396

**“Findings of Fact, Conclusions of Law, and Judgment Granting Defendant’s
Motion to Suppress Evidence”**
Entered: November 21, 2005

**State of Indiana *ex rel.* Flynn & Zinkan Realty Co., LLC
vs. The Town of Westfield**
“Order Denying Motion to Intervene”
Entered January 4, 2006

**In Re the Marriage of: David Marquart vs
Gail Marquart Gates**
29D03-0111-DR-795
Order Modifying Custody and Child Support
Entered: August 15, 2007

State of Indiana vs. Chad A. Cottrell
29D03-0605-MR-166
**“Order Sentencing Defendant to Life Imprisonment Without Parole Pursuant to
I.C. 35-50-2-9”**
Entered: May 29, 2009

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

House Bill 1287, Indiana General Assembly 2007 Legislative Session

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Not Applicable

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Attached at Tab 4.

House Bill 1287, Indiana General Assembly 2007 Legislative Session

Attached at Tab 5.

George W. Clark vs. CSX Transportation, Inc.

29D03-9308-CP-404

“Revised Order on Parties Motions for Partial Summary Judgment
Concerning the Interpretation of Disputed Instruments of Conveyance
Comprising the Monon Corridor Subclass”

Entered: November 26, 1997

Attached at Tab 6.

State of Indiana vs. Chad A. Cottrell

29D03-0605-MR-166

“Order Sentencing Defendant to Life Imprisonment Without Parole Pursuant to IC
35-50-2-9”

Entered: January 30, 2007

Attached at Tab 7.

In Re the Marriage of: David Marquart vs

Gail Marquart Gates

29D03-0111-DR-795

Order Modifying Custody and Child Support

Entered: August 15, 2007

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

During my years of private practice, I routinely accepted *pro bono* referrals through the Hamilton County Bar Referral Service. These cases involved a wide variety of matters which ranged from drafting simple wills and defending eviction defendants through multiple-year representation of clients in domestic relations matters. I did not keep records of the numbers of these cases and do not recall the specifics of my representations, but I remember the faces of the people who were my clients. At any given time, I normally had one or two of these cases pending on my desk. I also routinely accepted appointments, without compensation, from the Hamilton Superior Courts for the representation of individuals charged with civil contempt in domestic relations matters.

After assuming the bench, I was no longer permitted to actively represent indigent litigants; however, I continued to give of my time to train attorneys who were providing *pro bono* services. I have also assisted many indigent

litigants in finding pro bono counsel for matters pending in Hamilton Superior Court 3 and in other Courts in Hamilton County. In March 2004, I was appointed by the Indiana Supreme Court as the judge designated to preside over the district pro bono committee organized under Rule 6.6 of the Indiana Rules of Professional Conduct for District 8. This District is comprised of Marion County and the 7 counties immediately contiguous to Marion County. The pro bono committee for this District has been organized as a not-for-profit corporation, Heartland Pro Bono Council, Inc., and I have served as chairperson of that corporation since my appointment in 2004. As a result of these duties, a good deal of my time is devoted to the business of promoting a pro bono culture among attorneys and recruiting, training and recognizing attorney volunteers within the district.

As Judge of Hamilton Superior Court 3, with staff assistance and grant funding through Heartland Pro Bono council, I instituted a program for assisting indigent and voluntarily unrepresented litigants in family law matters. The program, "Lawyers Helping Families" provides an opportunity one evening each month for self represented and indigent litigants to obtain legal advice and assistance from attorney volunteers. Litigants are referred to this program by several of the Courts in Hamilton County, and materials regarding the availability of the program are provided to all self-represented litigants at the time a family law matter is initially filed or re-docketed in the Hamilton County Clerk's Office. During the monthly evening Court sessions, the volunteer attorneys and Heartland personnel, assist in the preparation of necessary legal documents for the filing of family law matters, and answer the litigants' questions about the processes and procedures common to family law matters in Hamilton County. In these same evening sessions, if an attorney is desired, litigants are screened for qualification for pro bono services or modest means representation. This program was recently expanded to provide voluntary arbitration services for self-represented and indigent litigants, without cost to the participants, using trained volunteer arbitrators. Part of this program has recently been replicated in the Marion Superior Courts.

Finally, although as a sitting judge I cannot actively represent indigent litigants, I can and do spend time mentoring attorney volunteers who are representing indigent litigants in other courts.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

This is a difficult question to answer. When I was an attorney, each of my clients came to me to assist them in what they believed was the most significant case that had ever existed. I always believed it was my duty as an attorney to give each client's case the same consideration that the client gave to it. Now that I am a Judge, each litigant who appears before me comes on a matter to

which they assign major importance, and each of these litigants has the right to expect that I will treat that matter as seriously as they do. On the other hand, there are cases that stand out as having had a special impact on me as a person, or on the law; I have chosen five of those cases. At least three additional cases are now pending in Superior Court 3 which are at least as significant as the five cases I have chosen; however, because the cases are still pending, I have elected not to refer to these cases in my answer here.

State of Indiana vs. Joey Bannon
29D02-8607-CF-29

I was defense counsel for a 16-year-old young man charged with Driving While Intoxicated Resulting in Death. My client was originally charged as a juvenile and was then waived to adult court. The case involved the tragic death of a high school student and attracted significant media attention and public outcry. During the case, my client, my family and I were subjected to several instances of threats and vandalism, and each entry into the courthouse included a gauntlet of angry citizens who would hurl insults, bodily fluids, and an occasional piece of rotting produce. Throughout this process, my client was experiencing significant health problems for which he was undergoing chemotherapy. Eventually, the case was resolved when my client elected to accept the terms of a plea agreement. I have chosen this as one of the most significant cases entrusted to me because in this case I learned firsthand that the business of being an attorney can be fraught with personal peril, to the person of both my client and myself and to the viability of a law practice. This experience gave me an opportunity to put into practice the Oath of Attorneys, and to experience personally what had previously been only an ideal – that attorneys are required to defend the rights of their clients even if such representation creates personal peril. In the end, the process worked and justice was done in spite of the atmosphere surrounding the case.

Certain Southwest Clay Township Annexation Territory Landowners
vs. The City of Carmel, Indiana
29D03-0502-MI-188

This was a case in which certain residents of the southwest portion of Clay Township, Hamilton County, Indiana remonstrated against the annexation of their property by the City of Carmel. The annexation at issue was represented during trial as the single largest annexation in terms of territory and assessed valuation in the history of Indiana and perhaps in the history of the United States. As Judge, I had the task of hearing evidence pursuant to defined statutory procedures and determining ultimately whether the annexation would proceed. During the progress of the case, certain remonstrators reached a settlement with the City of Carmel in which they agreed to withdraw their remonstrance in exchange for significant favorable concessions by the City of

Carmel in the terms of the annexation. These concessions were adopted by the City of Carmel subject to the Court denying the remonstrance action pending before the Court. After the settlement was reached with certain remonstrators, other remonstrators continued with the litigation. The case was concluded at the trial court level after trial with a decision sustaining the remonstrance. The case was appealed, and the significant legal issues warranted a direct appeal to the Indiana Supreme Court. On appeal, the decision was reversed and the annexation was permitted to go forward. I have chosen this case because it involved the interpretation, as a matter of first impression, of the amended statute governing involuntary annexations by a municipality. This was a case of significant interest to the litigants before the court, to several non-parties with an interest in the interpretation of the statute at issue, and to the general public. High-profile cases bring unique pressures for judicial officers. In addition, there were significant organizational and management issues in simply preparing an annexation remonstrance case for trial. In this case, I experienced the conflict that a judicial officer must face between the judge's role to apply the law to the facts before him or her and not to make, alter, or modify the law as it exists, and a judge's desire to make such a modification to achieve a more personally appealing result.

George Clark vs. CSX Railroad
29D03-9308-CP-404

This was a class action case to determine ownership interests in an estimated 10,000 parcels of real estate lying beneath abandoned CSX railroad corridors within the State of Indiana. Indiana law provides that if a railroad company owns a right-of-way beneath its railroad bed, then, upon abandonment, title to the real estate reverts to the owners of the abutting real estate. However, if the railroad owns an easement or fee simple interest, then an ownership interest continues in the railroad after the abandonment. The case was complicated, first, by the sheer number of potential claimants, and, second, by the fact that ownership interests depended upon the interpretation of century-old conveyance documents individually drafted by the employees of several railroad companies seeking to acquire sufficient rights to initially build the railroads. Not surprisingly, the language used in these documents varied widely based upon the drafter, the demands of the original seller, and the document formats used by the company originally acquiring the right in the real estate. The case also had the potential for significant economic impact and attracted community interest because these abandoned railroad beds were seen as valuable for a number of reasons, including, but not limited to, alternative transportation uses and as utility corridors for fiber-optic cable installations. This case presented difficult case management issues in effectively communicating with a large number of claimants. In addition, the case would be resolved primarily by the interpretation of thousands of original conveyance documents, most of which had never been recorded. Both the management

tasks and the interpretative tasks fell to the presiding judge. While the case was eventually resolved by settlement, the settlement was facilitated by a summary judgment order interpreting the ownership rights of abutting landowners relative to the abandoned Monon Railroad bed between 96th Street and 146th Street in Hamilton County, Indiana. The order, a copy of which has been attached to this application, reviewed and compiled the rules of interpretation of deeds of conveyance from a series of prior cases and applied those rules to the conveyance documents at issue. The case was taken up on interlocutory appeal after the summary judgment order and the decision was affirmed with one minor alteration to the rules of interpretation set out in the summary judgment order. The parties then were able to apply these rules to the remaining conveyance documents and arrive at a settlement of the case ultimately defining the ownership interest in thousands of parcels of real estate in one case as opposed to thousands of smaller cases. The case is also unique because of the use of a class action forum to resolve this type of quiet title issue. I have chosen this case, because it demonstrates that hard work and creativity can result in a cost-effective and just resolution of disputes.

In Re Earlham College
29D03-0401-TR-9

This was a case in which the State of Indiana sought an accounting from Earlham College as Trustee for a charitable trust created by Eli Lilly. The case arose from a significant dispute between two venerable institutions in the State of Indiana – Earlham College and Conner Prairie. Eli Lilly had created a charitable trust prior to his death by donating 56 acres and significant cash assets to Earlham College as Trustee for the purpose of creating a living history museum at the site of Mr. Lilly's farm in Hamilton County, Indiana. Subsequently two additional gifts of stock in Eli Lilly Company were given to Earlham College with the proviso that the income from these gifts was to be used first for the support of Conner Prairie and any excess income was available to Earlham College to use as Earlham determined was appropriate. A dispute had arisen between Earlham and the Board of Conner Prairie regarding the allocation of income from these gifts. My task as Judge was to determine whether to sustain the petition for an accounting by a charitable trust brought by the Attorney General of Indiana. The Attorney General's request was granted, and an order was entered requiring an accounting of this charitable trust. In making this order, I was required to review and interpret handwritten gift documents drafted personally by Eli Lilly. I have chosen this case because, although it was brought as a rather routine petition for an accounting, the real driving force of the case was the need for resolution of the underlying dispute between Earlham and Conner Prairie on matters of future governance and allocation of future income from the gifts made by Mr. Lilly. The order which required an accounting of the allocation of the income and principal of these gifts by Mr. Lilly was appealed, and during the appeal

process, Earlham and Conner Prairie were able to arrive at a settlement of their dispute in a manner that mutually benefitted each of these parties and satisfied the interests of the State of Indiana. Jurisdiction of this case was returned to the trial court for consideration of the settlement, and the appellate process was interrupted short of a decision. The settlement, approved by the trial court, included the development of a new governance mechanism for the charitable trust created by Mr. Lilly and allowed two significant institutions to continue into the future independently of each other in a manner that was beneficial to both Conner Prairie and Earlham College.

State of Indiana vs. Chad Cottrell
29D03-0605-MR-166

This was a case involving charges that Mr. Cottrell committed the murders of his wife and two step-daughters in Parke County, Indiana. The State of Indiana filed a notice of its intent to seek the death penalty shortly after the original charges were filed. Eventually, a change of venue from the county and the judge was granted by Parke County Circuit Court, and with my consent, the case was transferred to Hamilton Superior Court 3. Shortly after the case was transferred, I attended a seminar offered by the National Judicial College on the topic of handling a capital case. At that seminar, I became familiar with the phrase, "capital cases are different" frequently used by judges and lawyers to describe their experiences with capital cases.

In the ensuing three years, during which I presided over this case, I came to have a personal understanding of that phrase. Capital cases are "different" because they always involve the "worst of the worst" crimes. The Cottrell case was clearly one of those cases. Capital cases are "different" because they impose huge demands on the time of the judge and the resources of the judicial system. Not only were there significant legal issues at every turn which required a measured judicial response, the management of community resources to fund Mr. Cottrell's defense imposed significant demands on my time and even more significant demands on the publicly funded resources of Parke County. However, the most significant factor which made this case "different" for other cases was the fact a man's life was ultimately at issue.

I had never presided over a capital case before. While, I had decided prior to my initial appointment as Judge, that I could preside over a capital case, and impose a capital sentence in an appropriate case, if I were called upon to do so, in my first 17 years as a Judge, that call had never come. I learned that having jurisdiction over such an awesome responsibility was in fact "different" from the responsibility I had felt in the thousands of other matters where I had presided as judge.

All of this occurred in an atmosphere of intense media scrutiny. I found myself considering how we would meet the daily needs of the anticipated 16 sequestered jurors while at the same time I was determining how to meet the needs of the public and media for access to the Courtroom while maintaining security and decorum so that justice could be approached. For the first time in my career, I found myself negotiating the provisions of a "public access order" with attorneys for the Hoosier Press Association and individual media outlets in order to insure a fair trial for the State and the Defendant which permitted full public access to the Courtroom while maintaining security for litigants, alleged victims, and courtroom personnel. In this process of resource management, conducting legal research and insuring appropriate public access, I came to a deeper appreciation of the resources provided to Indiana judges by the Office of State Court Administration, which provided financial and practical assistance in resource management and technical assistance in media relations, and the Indiana Judicial Center which provided legal research support. I also came to a much deeper appreciation of the Indiana Supreme Court's Senior Judge Program which provided experienced judicial officers to handle ongoing matters in Hamilton Superior Court 3 so my time could be devoted to this capital case.

Shortly before trial was to commence, Mr. Cottrell entered a plea of guilty to the pending murder charges and waived his right to trial by jury on the issue of the death penalty request. While his decision substantially reduced the demand on public resources by the elimination of an anticipated six week sequestered jury trial, it left the decision of the penalty to be imposed in my sole hands. This was a responsibility I did not seek, yet it was one I accepted with my initial oath as Judge. I learned much about myself in the process of presiding over the sentencing hearing for Mr. Cottrell. The most significant thing I learned was that the law and its application to specific facts, at times, requires a judge to disregard his personal feelings and opinions about the facts of the case, and to apply time honored and well established legal tests and standards to that specific case. In that process, our system comes as close as it can to approaching justice.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Ms. Anne Poindexter
Campbell Kyle Proffitt, LLP
11595 North Meridian Street, Suite 701
Carmel, Indiana 46032-2020
(317) 846-6514

**Mr. Mark Ladendorf
Ladendorf and Ladendorf
7310 N. Shadeland Ave.
Indianapolis, IN 46250
(317) 842-5800**

**Mr. Bryan Babb
Bose McKinney & Evans
111 Monument Circle, Suite 2700
Indianapolis, IN 46204-2426
(317) 684-5415**

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

I was a member of the Steering Committee for the 1995 Bench Bar Conference hosted by the Indiana State Bar Association, the Judicial Conference of Indiana, and the Indiana Judges Association. This was the first statewide bench and bar conference ever held in Indiana. The Conference adopted civility in the profession as the theme of the conference. In 1996, I was appointed Chairman of the 1996 Bench Bar Conference by the President of the Indiana State Bar Association. Both of these conferences provided a forum where judges and attorneys could meet and discuss issues about the day-to-day operation of the legal system in Indiana. Each conference had a goal of identifying specific recommendations for the improvement of the legal system.

From 1997 to 2003, I was a member of the Domestic Relations Committee of the Judicial Conference of Indiana. During my tenure on the committee, the Indiana Parenting Time Guidelines were drafted and submitted to the Indiana Supreme Court for approval. These guidelines continue to be used in Indiana Courts on a daily basis as the beginning point for parents to make decisions about sharing the responsibilities of raising children after divorce.

In 2002, I was appointed as a member of the Jury Committee of the Indiana Judicial Conference, and in 2004 I became chairperson of this committee. The committee is charged with the implementation of the Jury Rules adopted by the Indiana Supreme Court in 2002 (effective January 1, 2003) and the continuation of jury reform. One aspect of the implementation of the rules was the creation of a video orientation program for use by Indiana trial courts as an initial orientation of jurors on the jury process. I was the chair of the sub-committee which designed, wrote, produced and distributed this video to trial courts in Indiana. Indiana has become a national leader in the important effort to broaden and diversify the jury pool from which jurors are chosen and to facilitate the participation of these citizens in our legal system. Under the

direction of the Indiana Supreme Court, the Committee sponsored the Jury Pool Project which facilitated the cooperation of the Indiana Bureau of Motor Vehicles, Indiana Department of Revenue and the Indiana Supreme Court Judicial Technology and Automation Committee in developing a statewide jury pool list. The initial list was distributed in October 2005 and contained in excess of 99% of the names of all citizens of the State of Indiana who were eligible to serve as jurors based upon the 2000 U.S. Census. Each year updated county specific jury pool lists are distributed to any requesting county free of charge. In September 2006, the Indiana Supreme Court received a national award for this project from the American Judicature Society and in 2009 the Indiana received an award from the National Center for State Courts for the same project. The Committee has been actively involved in Jury Reform, and as Chair of the Jury Committee I had the opportunity to work with members of the Indiana House and Indiana Senate in 2005 and 2006 on legislation to abolish juror exemptions. In 2006, this legislation was passed, and exemptions from juror service were abolished in the State of Indiana. In the 2007 legislative session, the Committee actively supported legislation consolidating and modernizing juror selection statutes in Indiana. I chaired a sub-committee of the Jury Committee which brought together five judges and three jury administrators from counties of various sizes and geographic locations. This sub-committee reviewed the existing statutes concerning jury selection and drafted legislation which consolidated statutes pertaining to jury service in Indiana and brought those statutes into conformity with the Indiana Jury Rules. That legislation was adopted and jury selection statutes now mirror the Indiana Jury Rules. These statutes are now found in one place within the Indiana Code instead of (as was formerly the case) in approximately twenty separate areas of the Indiana Code. The Committee also has addressed significant social and implementation issues arising from the jury rules to accommodate infirm elderly jurors and members of bona fide religious organizations where membership prohibits sitting in judgment of other persons. As a result of this work, the Committee has sponsored amendments to the Indiana Jury Rules, and it has developed suggested procedures to be implemented by judges under the Jury Rules to streamline the removal of elderly and infirm jurors who are unable to serve from jury panels without the need for a personal appearance in court. My term on this Committee ended in September 2008; however, I continue to have an interest in issues of Jury reform.

I served as the chairman of the Mentor Judge Committee of the Indiana Judicial Conference. This ad hoc committee developed a program for the pairing of new judicial officers with an experienced judicial officer to mentor new judges as they transition from the role of advocate and attorney to that of a neutral judicial officer. This program continues as a regular service offered to new judicial officers through the Judicial Conference of Indiana.

From September 1991 through September 1997 and from September 1998 through September 2002, I was a member of the Education Committee of the Judicial Conference of Indiana. During this time, the mechanisms for delivering continuing education to judicial officers in Indiana were significantly changed. In part this was a structural change resulting from Indiana's participation in the Leadership Institute for Judicial Education in Memphis, TN in 1998 and 1999. I was one of five representatives of the State of Indiana who attended this institute. This group of representatives adopted as our project a revamping of educational offerings to Indiana Judges where smaller and more interactive classes with a greater variety of educational offerings were provided. As a result of this plan to revamp Indiana judicial education, a Faculty Development sub-committee of the Education Committee was created. I served as the initial chair of this sub-committee, which was charged with developing a group of Indiana Judges as trained instructors to support the increased number of educational offerings. In September, 2009 I was re-appointed to the Judicial Education Committee.

I served on the advisory board of The Leadership Institute for Judicial Education from 2001 to 2004. The Institute promotes justice through professional development of judicial officers and other judicial branch professionals. Dr. Patricia Murrell, of the University of Memphis, is the driving force behind the Institute and has worked tirelessly to foster leadership in judicial officers through the implementation of adult education principles. As a member of the Advisory Board, I was able to assist in making the experience that transformed judicial education in Indiana available to other states and entities.

In 2003, I agreed to serve on the Advisory Board of the National Judicial Education Project, which is a project of Legal Momentum (formerly NOW Legal Defense and Education Fund) in conjunction with the National Association of Women Judges. The primary purpose of this organization is to promote equality and fairness for men and women in American Courts. This organization has developed several educational programs for judicial officers, including a curriculum about the special problems which judges face in presiding over cases of sexual assault where the assaulter and the assaulted are acquainted. In 1999, I was requested to work with a committee of judges and judicial educators from across the country in developing a video version of this curriculum. This effort culminated in a video curriculum which has been distributed to every state judicial educator. I have also assisted in the training of teams of trainers to use this curriculum for judicial education programs in several states including Texas, Georgia, North Carolina, Ohio, Connecticut, California, West Virginia, and Virginia.

In 2007 I was appointed to the Indiana Bar Foundation Citizenship Education Committee, on which I am privileged to participate with other judges and lawyers in

promoting the “We the People” curriculum for presentation in schools across the State of Indiana. This Committee has as its focus the development of civic education programs to educate the citizens of the State of Indiana on the role of the legal system in our society.

I speak on a frequent basis to groups of all ages and descriptions. A few examples include answering questions about the court system for elementary students on annual field trips to the Courthouse; acting as Judge in an annual mock trial project of the Noblesville Intermediate School based on the book *Roll of Thunder – Hear My Cry*, which deals with issues of racial prejudice in a criminal prosecution setting; annually presenting a lecture to the Constitutional Law class at Hamilton Southeastern High School on issues of discrimination and personal freedoms; delivering regular presentations to area service clubs on the role of the courts in our society; and acting as judge in Indiana University School of Law – Indianapolis civil advocacy class projects. The above are only a few of the many presentations I have made since assuming the bench.

I have been actively involved in the expansion of a pro-bono culture in District 8, encouraging attorneys to volunteer of their time and talents to meet the needs for legal representation of indigent litigants. This work is more fully described in section VI. F.

B. Describe your efforts, achievements, or contributions, including written work, speeches, or presentations concerning civic, political, or social issues.

I received the 2005 Award for Outstanding Advocacy & Community Work in Ending Sexual Violence from the National Sexual Violence Resource Center. This award was the result of several years work in training prosecutors, law enforcement officers, victim advocates, and sexual assault nurse examiners in the intricacies of case preparation and presentation in sexual assault cases. This training was presented in the format of a mock trial, and my role was to preside as judge and explain the different steps involved in a jury trial.

I served on the Noblesville Preservation Alliance (NPA) as a board member from 1990 to 1993 and later served as an at-large member of the Advisory Board for that organization. The advisory board serves in a long-range planning role for this organization. NPA is one of several organizations working in Noblesville to promote the preservation and adaptive reuse of residential and commercial structures with historical significance. These organizations have assisted in transforming downtown Noblesville into a thriving commercial and residential area that now serves as a destination for many tour groups from across the region.

From 1985 through June 1988, I served as Vice Chairperson of the Hamilton County Republican Central Committee. In this position, my role was so assist the County Chairperson in fund raising and other promotional efforts in support of candidates for political office. I was made a Sagamore of the Wabash by Governor Robert Orr on March 27, 1988 because of my work.

As noted in my response to section VII. A. above, I have been actively involved in the past legislative sessions with support of legislation dealing with issues of jury reform. One aspect of jury reform is to adapt our system to make it more user-friendly for jurors drawn from a more diverse jury pool. My commitment to this reform effort has often taken me to the Statehouse to testify before House and Senate Committees and the Commission on Courts regarding these legislative efforts.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Noblesville First United Methodist Church: The purpose of this organization is apparent from its name. I have served in a variety of capacities during my membership including Chancel Choir Member, Spiritual Formation Committee member, Advisory Board (member and chairperson), Capital Campaign Steering Committee member, Disciple Bible Study instructor (8 years); and Staff Parish Advisory Committee (former member and chairperson for 2 years). I currently serve as a Stephen Ministry Leader in this congregation.

Hamilton County Community Corrections Board: This board oversees the delivery of community-based corrections services such as electronic home monitoring, work release and intermittent incarceration programs to serve criminal defendants within the confines of our community. These community-based programs allow criminal defendants to continue to work and support their families while serving their sentences and result in a reduction of the number of individuals being incarcerated in the Indiana Department of Corrections by order of Hamilton County Courts. I served as the initial president of this board and led a diverse board through the process which brought community-based corrections to Hamilton County Indiana. I continued to serve a member of this board until I retired from the Board in 2009.

From 1985 to 1987 I served as a member of the Noblesville City Council: I was elected by a caucus after the resignation of an elected member and I completed the remaining 2.5 years of the term. While on the Council, I served on the Annexation Committee and the Finance Committee, and I was chosen as Parliamentarian in my final year on the Council.

I currently serve as Chairperson of the Heartland Pro Bono Council which is a 501(c) charitable entity for the promotion of pro bono legal services in the 8th Judicial District comprised of Marion County and the seven counties directly contiguous to Marion County.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana State Bar Association: This organization provides professional development services to Indiana Attorneys. I have served as Chairperson for the 1996 Bench Bar Conference and as a Member of the 1995 Bench Bar Steering Committee. I received a Presidential Citation from the President of the Indiana State Bar Association for my work as Chair of the 1996 Bench Bar Conference. In 2005, I was the recipient of the Young Lawyers Section Outstanding Judge of the Year.

Indiana Bar Foundation: The bar foundation is the charitable arm of the Indiana State Bar Association and engages in a number of projects from raising endowment funds to providing staff support for the implementation of IOLTA to the promotion of civic education programs. I have been a fellow of the foundation for the past 12 years, and I currently serve as a member of the Citizenship Education Committee.

Indiana Judges Association: This organization provides professional development and advocacy support for Indiana Judges. I served as member of the Board of Managers from 1992 – 1994.

American Judicature Society: This national organization provides professional development education and materials for judges. Its primary emphasis is on issues of ethics, access to justice, and improvement of the American judicial system.

Judicial Conference of Indiana: This agency of the Indiana Supreme Court provides professional development education for judges, probation officers and court alcohol and drug programs; research and support services for Indiana Judges; and advocacy services on behalf of Indiana judges before the legislature on matters of general interest to judges and the court system. All Indiana judges are members of the Conference by virtue of their position as Indiana judges. I have served this organization in a variety of capacities: former member of the Community Relations Committee, former Member of the Domestic Relations Committee, former member and chairperson of the Jury Committee, chairperson of the Faculty Development Sub-Committee of the Education Committee, former and current member of the Judicial

Education Committee, former chairperson of the ad hoc Mentor Judge Committee, former and current member of the Board of Directors, and many times as faculty for educational offerings of the Conference.

Hamilton County Bar Association: This local organization provides professional development services to attorneys who live, or practice law, in Hamilton County, Indiana. I have served on the Education Committee and Judicial Liaison Committee. In addition, I have made continuing legal education presentations for this organization on several occasions, I currently serve as the Chairperson for the Continuing Legal Education Committee.

American Inns of Court/ Sagamore Inn, Indianapolis Indiana: I became affiliated with the Sagamore Inn of Court in the Fall of 2009. I was a member of the Jefferson Team during the 2009 – 2010 year.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

None

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

Indiana Continuing Legal Education Forum

1991 - "Everyday Divorce" - Panelist
1992 - "Summary Judgments" - Chairman
1995 - "Juristic Park - Hamilton County" (local practice issues)
1997 - "Domestic Relations - Masters Program"
1999 - "Divorce Advocacy"
2000 - "Divorce - What the Judges Think"
2001 - "Masters Program on Advanced Evidence" – Chairperson
2004 - "2nd Annual Family Law Institute – Custody Evaluations"
2005 - "3rd Annual Family Law Institute – the Judicial Perspective"
2006 - "Masters Program on Family Law"
2006 - "Collaborative and Cooperative Law"
2007 - 5th Family Law Institute: "Valuation Experts"
2007 - Advanced Family Law: "Evidence"
2008 - 6th Family Law Institute: "Evidence Workshop"
2009 - Advanced Family Law: "Evidence Workshop"
2009 - 7th Family Law Institute: "Custody Evaluations as Evidence"
2009 - "Divorce 101 – Handling Your first Divorce Case"

Indiana University School of Law, Indianapolis

05/2008 - "National ASTAR Judges Medical School"

Indiana State Bar Association

04/1996 - "1996 Bench Bar Conference" – Conference Chairman

**10/1999 - "Summit of the Legal Profession: Civility in the Profession,
an Ethical Perspective"**

Indiana Supreme Court Commission on Race and Gender Fairness

10/2005 - 2005 Diversity Summit – "Jury Trends and Innovations"

Indianapolis Bar Association

03/2001 - "Indiana Parenting Time Guidelines"

09/2002 - "Probate Judges Roundtable"

09/2004 - "Working With the Protective Order Project"

10/2004 - Bar Leadership Series: "Pro Bono and Community Leadership"

05/2005 - "Working With the Protective Order Project"

10/2005 - Bar Leadership Series: "Pro Bono Needs"

10/2006 - Bar Leadership Series: "Pro Bono Needs"

05/2008 - "Probate Judges Roundtable"

Indiana Prosecuting Attorney's Council

07/2003 – Summer Conference – "Evidence Workshop"

Indiana Coalition Against Sexual Assault

01/2005 - "Mock Trial by Jury"

Institute of Continuing Judicial Education of Georgia

07/2005 - "Jury Selection in Sexual Assault Cases"

Iowa Judicial Institute

08/2006 - "Evidence in the Courtroom"

NBI, Inc.

11/2008 - "View from the Bench – Evidence and Expert Testimony"

Judicial Conference of Indiana

09/1993 - "New Judges Forum: Managing the Jury Trial"
 03/1994 - "Workshop on Indiana Evidence"
 09/1994 - "Effective Time Management for Judges"
 11/1994 - Pre-Bench Orientation: "The Transition from Bar to Bench"
 12/1994 - "Mentor Judge Orientation"
 01/1995 - Post-Bench Orientation: "Management of Dissolution Actions"
 03/1995 - "Child Custody - Mediation and Reducing the Adversarial Process"
 03/1996 - "Workshop on Indiana Evidence"
 04/1996 - "Workshop on Indiana Evidence"
 12/1996 - "Use of Mediation in Family Law Matters: Court Mediation Programs"
 01/1997 - Post-Bench Orientation: "Management of Dissolution Actions"
 09/1997 - Annual Conference: "Domestic Relations Forum"
 12/1997 - "Understanding Sexual Violence: The Judicial Response to Stranger
 and Non-Stranger Rape" - "Indiana Evidence Rules and Rape Shield"
 03/1998 - "Workshop on the Trial Rules"
 04/1998 - "Workshop on the Trial Rules"
 09/1998 - Annual Conference: "Protective Orders"
 12/1998 - Winter Conference: "Computer Technology and Using the Internet"
 01/1999 - Post-Bench Orientation: "Reducing Adversity: Managing the Family
 Law Case"
 03/1999 - "Issues in Jury Management and Trial Administration"
 05/1999 - "Issues in Jury Management and Trial Administration"
 12/1999 - "Business Valuation after *Yoon*"
 01/2001 - Post-Bench Orientation: "Reducing Adversity: Managing the Family
 Law Case" and "Bench Skills Workshop"
 04/2001 - "Bench Skills Workshop"
 10/2002 - City and Town Court Meeting: "Judicial Election Campaign Issues"
 10/2002 - City and Town Court Meeting: "Indiana Jury Rules"
 12/2002 - Pre-Bench Orientation: "Pretrial Management Skills"
 01/2003 - Post-Bench Orientation: "Management of Domestic Relations Cases"
 04/2003 - "Relevance Character and Hearsay Evidence"
 09/2003 - "Update on Jury Rules":
 10/2003 - "City and Town Court Judges: "Judicial Ethics – a Case Study"
 04/2004 - "General Discovery Issues for Judicial Officers"
 09/2004 - "Faculty Development – Indiana Style"
 10/2004 - City and Town Court Meeting: "Judicial Demeanor"
 01/2005 - Post-Bench Orientation: "Judicial Demeanor"
 04/2005 - "Testimonial Hearsay after *Crawford*"
 09/2005 - "Cooperative Divorce"
 02/2006 - Post-Bench Orientation: "Rules of the Road – Using the Rules of
 Evidence"
 09/2006 - "Jury Management Issues"
 01/2007 - Post-Bench Orientation: "Evidence: Making a Record" and,
 "Cultivating Relationships with Staff"
 04/2007 - Spring Judicial College Program: "The Three C's of Evidence"
 09/2007 - Annual Meeting of the Judicial Conference of Indiana: "Jury Trial
 Issues"
 10/2007 - City and Town Court Annual Meeting: "Jury Rules"

- 04/2008 - Spring Judicial College Program : "Evidence in Action
- 01/2009 - General Jurisdiction Orientation Program: "Evidence: Rules of the Road and Judicial Balance"
- 04/2009 - Spring Judicial College Program: "Equipping Your Staff to Deal with Self-Represented Litigants"
- 09/2009 - Annual Meeting of the Judicial Conference of Indiana: "Judicial Balance and the Impact of the Judicial Career"
- 04/2010 - Spring Judicial College Program: "*Crawford* and Child Hearsay"

The Leadership Institute in Judicial Education

- 05/2002 - "The Leadership Institute – Promoting Justice Through Judicial Professional Development" Keynote Speaker and Group Facilitator

National Judicial College

- 04/2006 - "Evidence in a Courtroom Setting" - Monterey, CA
- 02/2007 - "Evidence in a Courtroom Setting" - Orlando, FL
- 05/2008 - "Evidence in a Courtroom Setting" – Chicago, IL
- 10/2008 - General Jurisdiction Judges Program - "Evidence" - Reno, NV
- 05/2009 - South Dakota Judicial Conference - "Evidence of Character" Chamberlin, SD

National Judicial Education Project

- 1999 - "Understanding Sexual Violence: The Judicial Response to Stranger and Non-stranger Rape and Sexual Assault: A Self-directed Judicial Education Curriculum" – This is a video training session which was distributed to the judicial educators in each state for use by Judges. The curriculum can be offered in a live on sight training or privately by individual judges. I served on the steering committee which developed this video curriculum and participated in the video curriculum as a panelist.
- 11/1999 - "Understanding Sexual Violence: The Judicial Response to Stranger and Non-stranger Rape and Sexual Assault: A Self-directed Judicial Education Curriculum" - Moderator for Texas Pilot Project
- 05/2003 - "NJEP understanding Sexual Violence State/Tribal Team Meeting" in Costa Mesa, CA.
- 08/2004 - "NJEP understanding Sexual Violence State/Tribal Team Meeting" in Alexandria, VA
- 11/2004 - "NJEP understanding Sexual Violence State/Tribal Team Meeting" in Atlanta, GA

Hamilton County Bar Association

- 11/2001 - "Indiana Parenting Time Guidelines"
- 03/2003 - "Cooperative Lawyering in Family Law"
- 12/2003 - "Evidence Workshop"

Heartland Pro Bono Council

07/2001 - "Making Changes – Post Dissolution and Paternity"
10/2004 - "Ethics Training"
03/2005 - "Pro Bono Training Seminar" – Keynote Speaker
04/2007 - "Limited Scope Representation"
06/2008 - "Pro Bono Training for Morgan County"

Clifton Gunderson LLC

1999 - "Business Valuation for Lawyers and Judges: Issues 1999" - Panelist

G. Describe your hobbies and other leisure activities.

I am an avid reader, and I pursue every possible opportunity to sit quietly with a good book. Some recent selections include, *Contempt of Court* by Mark Curriden and Leroy Phillips, Jr.; *Outliers* by Malcom Gladwell; *Simple Genius* by David Baldacci; *American Lion* by Jon Meacham; *The Charlemagne Pursuit* by Steve Berry; *Tuesdays with Morie* by Mitch Albom; *The Devil's Punchbowl* by Greg Iles; and *The Lost Symbol* by Dan Brown.

My wife and I enjoy historic preservation, and we are in a nearly continual process of renovating our turn-of-the-century home in Noblesville. We also enjoy gardening and landscaping, and we spend a fair amount of time in our own yard and assisting our neighbors in gardening endeavors.

I enjoy canoeing and fishing with friends and family, and I try to make regular pilgrimages to the lakes and streams commonly known as the Boundary Waters Canoe Area and Quetico Park.

In recent years, my wife and I have developed a love of sailing, and in June 2009, I became certified by the American Sailing Association as having the credentials necessary to charter sailboats in coastal waters. and I also enjoy traveling and have combined out love of sailing with our enjoyment of travel. I have crewed and captained on single hull sailboats from 26 feet to 52 feet in the Great Lakes, the Coastal Waters of Florida, and the Greek Islands.

I have also crewed and captained catamaran sailboats in the British Virgin Islands.

I have two sons, one pursuing a Ph.D. in Archaeology and the other, an attorney currently clerking for Justice C. Arlan Beam at the 8th Circuit Court of Appeals. We also have one grandson. and I spend as much time as possible participating in their activities and interests.

- VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Mr. Andrew Soshnick
Baker & Daniels
300 N. Meridian Street
Indianapolis, IN 46204
(317) 237-1243

Andrew C. Mallor
Mallor Clendening Grodner & Bohrer LLP
511 Woodcrest Drive
P.O. Box 5787
Bloomington, IN 47407-5787
(812) 336-8888

Honorable Stephen Heimann
Bartholomew Circuit Court
234 Washington Street
Columbus, IN 47201
(812) 379-1605

- B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

N. Jack Wolfe
Noblesville First United Methodist Church
2051 East Monument Street
Noblesville, IN 46060
(317) 773-2500

Tanya Howe Johnston
President and CEO
Partnership for Philanthropic Planning
233 McCrea St., Suite 400
Indianapolis, IN 46225
(317) 269-6274

**Honorable Kathy K. Richardson
State Representative District 29
1363 Grant Street
Noblesville, IN 46060
(317) 773-6123**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

July 1991

**U.S. District Court for the Southern District of Indiana
Case No. IP91-685C**

John O. Study

vs.

United States; U.S. Department of Justice; Dick Thornburg, U.S. Attorney General; U.S. Parole Commission; Frank D. Hall Jr., Chief U.S. Probation Officer; Mike Kendall, U.S. Probation Officer; State of Indiana; Lindley Pearson, Attorney General for the State of Indiana; Dennis Driggers, Investigator of the Attorney General, State of Indiana; Indiana State Police; Lloyd Jennings, Superintendent, Indiana State Police; Ernest Mathis, Detective, Indiana State Police; Marion County Sheriff's Department; Joseph McAtee, Sheriff of Marion County; Bill Romeril, Deputy Chief, Marion County Sheriff's Department; Hamilton County Sheriff's Department; Daniel Stephens, Sheriff of Hamilton County; Joe Cook, Captain, Hamilton County Sheriff's Department; Indianapolis Police Department; Paul Anee, Chief of Police, Indianapolis Police Department; Carmel Police Department; Gary Barney, Chief of Police, Carmel Police Department; Ronald K. Adams, Police Officer, Carmel Police Department; Roger Conn, Sergeant, Carmel Police Department; Robert Smith, Major, Carmel Police Department; Hamilton Superior Court III; Honorable William J. Hughes, Judge, Hamilton County; Dan Henke, Deputy Prosecuting Attorney, Hamilton County; Jeff Wehmuller, Deputy Prosecuting Attorney, Hamilton County; and, Any John Doe, (person, entity, agency, and sovereign); in their individual and/or official capacities.

This case was brought pursuant to 42 U.S.C. §§ 1983 and 1985. Plaintiff alleged, in his complaint, that the other Defendant's and I had violated his constitutional rights by his prosecution for a series of thefts. I was served with process on June 26, 1991 while preparing to read the jury verdict finding Mr. Study not guilty. Mr. Study voluntarily dismissed his complaint against me on July 30, 1991.

2009

**U.S. District Court for the Southern District of Indiana
Case No. 1:09-cv-1136-RLY-DML**

Deborah Walton

vs.

Claybridge Homeowners Association Inc., Coots Henke & Wheeler, Elizabeth Van Tassel, Mary Lou Spellmeyer, Richard Scott, Robert Foley, Hamilton County Court, and William J. Hughes

This lawsuit was commenced late in 2009. I do not have a copy of the complaint. I was away from the office when the suit documents were received, and a member of my staff immediately forwarded them to the Indiana Attorney General without retaining a copy. Because a copy of the complaint is not available to me, I am unsure whether other individuals or entities besides those listed above may have been named as parties in this suit. I was dismissed as a party in this suit by order dated March 9, 2010. I understand that Plaintiff sought to bring claims against one or more of the parties named above for violation of the Fifth, Thirteenth and Fourteenth Amendments to the United States Constitution and Title VII of the Civil Rights Act of 1964 allegedly arising from civil proceedings in Hamilton Superior Court 3.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

Not applicable.

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

Not applicable.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

Not applicable.

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

Not applicable.

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes.

6/29/10
DATE


APPLICANT'S SIGNATURE

William J. Hughes
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

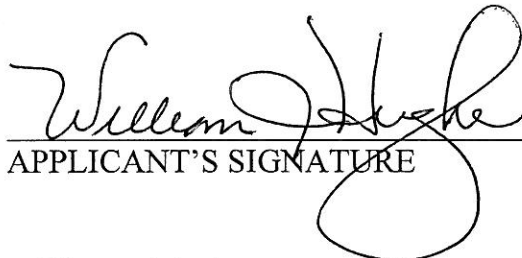
The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/29/10
DATE


APPLICANT'S SIGNATURE

William J. Hughes
PRINTED NAME